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APPLICATION NO.	ION NO. FILING DATE FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/088,265	5 03/18/2002 Hisashi Isaka		2002_0382A	5123	
513	7590 02/03/2004	EXAMINER			
WENDERO	ГН, LIND & PONACK	SHORT, PATRICIA A			
2033 K STREET N. W. SUITE 800			ART UNIT	PAPER NUMBER	
WASHINGTON DC 20006-1021			1712		

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    10,088,285			Appl	ication No.		Applicant(s)	1/			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply epotified above is been then then the control of the	90 J 124		10/0	88,265		ISAKA ET AL.				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of thin may be available under the provides of 3 CPR 1.13(6). In no overs, however, may a reply be timely filed after 5X (6) MONTHS from the mailing date of this communication.  If the period for reply is psecified because, the maximum studency period will apply and will empty (20) along with the mailing date of this communication.  Fallows to reply vollable that because the maximum studency period will apply and will empty (20) MONTHS from the mailing date of this communication, reply will be set or celerable protein for reply voll. by studency and will empty and voll empty (20) MONTHS from the mailing date of this communication, reply vollable the mailing date of this communication.  Fallows to reply vollable the set or celerable protein for reply voll. by status, cause the application to become ARANDONED 05 U.S.C. 9 130.  Any upy severed by the Chief and the thin the membra date of this communication, replication to the set of this communication.  Fallows to reply vollable the set of this communication, replication to the set of this communication.  The Responsive to communication (§ filed on 08 October 2003.  Status  1) [2] Responsive to communication (§ filed on 08 October 2003.  2(a) This action is FINAL.  2(b) [2] This action is finAl.  2(b) [2] This action is finAl.  2(c) [2] This action is no condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quaylo, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) [2] Claim(s) [2] Size and provide the provide of the communication.  5(c) [2] Claim(s) [3] Size and provide the communication of the set of the communication.  6(c) [2] Claim(s) [3] Size and provide the communicatio		Office Action Summary	Exar	niner		Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of thirm may be variable under the provisions of 37 CPR 1,136(a). In no event, however, may a reply be timely filed effect 50; 69 kcM/175 from the mailing date of this communication.  Palaure to reply visible the standary minimum of thirty (30) days will be considered timely.  Falaure to exply visible the sear or extended period for reply visible, the standary minimum of thirty (30) days will be considered timely.  Falaure to exply visible the sear or extended period for reply visible, the standary minimum of thirty (30) days will be considered timely.  Falaure to exply visible the sear or extended period for reply visible, the special supplementation, even if lines y fised, may reduce uny search place the exploration of the communication.  Falaure to exply visible the sear or extended period for reply visible, cause the specialistic, even if lines y fised, may reduce uny search place the exploration of the communication.  Falaure to exply visible the search of the communication of the communication.  Falaure to exply visible the search of the communication of the communication.  Falaure to exply visible the search of the communication of the communication.  Falaure to exply visible the search of the communication.  Falaure to exply visible the search of the communication.  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Explanary (a) and the condition of allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Explanary (a) and the condition of the merits is closed in accordance with the practice under Explanary (a) and the condition of the merits is closed in accordance with the practice under Explanary (a) and the condition of the merits is closed in the explanary (a) and the merits is closed in the explanary (a) and the merits is closed in the explanary (a) and the merits is closed in the cond										
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Application/Control Number: 10/088,265

Art Unit: 1712

Claims 13-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made without traverse in the response filed October 8, 2003.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese 2000-199936. The reference teaches the claimed polyorthoesters. See the abstract and compounds shown at pages 8-10, particularly compound 2-18 at page 10.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Helwing. The reference teaches polyorthoesters encompassed by the claims. See compound E3-II at col. 18. It is not clear how the claimed polyorthoesters would differ from the polyorthoester compound E3-II prepared by reacting compound E3-I and E1-II.

Art Unit: 1712

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by UK 1,128,963. The reference teaches polyorthoesters that can be prepared by reacting a lower alkyl orthoester with polyhydric alcohol followed by reacting with a different polyhydric alcohol. See page 4, line 42 through page 5, line 10 and compound X at page 6. The claimed polyorthoesters encompass the polyorthoesters taught by the reference.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK 1,128,963. The reference is discussed above. Additionally, at page 5, lines 5-10 polyols that include alpha and beta glycols and pentaerythritol are exemplified. As suggested by the reference, it would have been obvious to use two different polyols such as ethylene glycol and pentaerythritol, both exemplified by the reference, in the two step reaction process in order to obtain polyorthoesters.

P. Short January 22, 2004 Phone (571) 272-1094 Fax (703) 872-9306

> PATRICIA A. SHORT PRIMARY EXAMINER

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